IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.514 of 2007
In
Criminal Application No.5998 of 2005

Deepak Dnyaneshwar Patil — Applicant
Vs.
Sachin Sudhakar Patil & ors. — Respondents

Mr.U.G.Deshpande for applicant.
Mr.S.R.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 5, 2007.

P.C.

. Heard Mr.Deshpande, the learned counsel for the applicant. This is an application for restoration of Criminal Application No.5998 of 2005.

. On 3/4/2006 notice was issued to the respondents in Criminal Application No.5998 of 2005 filed for seeking leave to appeal under Section 378(4) of Cr.P.C. and the notice was made returnable in eight weeks. It appears that the said application came to be listed along with a bunch of other matters and by a common order dated 5th June 2006 a conditional order came to be passed for office objection removal / compliances. This application has been filed belatedly and the delay is more than

one year. The learned counsel for the applicant submitted that the common order passed on 5/6/2006 was never shown below Criminal Application No.5998 of 2005 on the computer system of this Court and, therefore, he had no knowledge of the said common order. The explanation furnished is hereby accepted.

. Delay condoned and the application is allowed in terms of prayer clause (a).

(B.H.MARL